

July 23, 2013

Administrative:

Roll Call: Chairman, Peter Van Steeden, Vice Chair, Tom Silveira, Stephen MacGillivray, Charles Vaillincourt, Jim Miller (1st Alternate); Nicholas Pasyonos (2nd), Olin Gambrell (3rd)

Adoption of Minutes: Charles Vaillincourt moves to approve the minutes from the previous meeting, Tom Silveira seconds, minutes approved 5-0.

Continuances/Withdrawals:

Petition of: Gertrude Realty LLC- PO Box 119 - Newport, RI (owner)- Gertrude Realty LLC C/O Ted Platz- 1038 Aquidneck Ave- Middletown, RI (applicant) - for a Special Use Permit from Section 602- to convert existing property into a small scale shopping center. Said real estate located at 1038 Aquidneck Ave and further identified as Lot 106 on Tax Assessor's Plat 113. Petitioner did not submit a letter. Stephen MacGillivray moves to dismiss without prejudice, Charles Vallincourt seconds. The motion passes, 5-0 and the petition is dismissed without prejudice.

Petition of: CVDD II LLC- 235 Promenade Street- Providence, RI (owner)- for a Special Use Permit from Sections 1102(B), 1103, 1106 & 1107- Removal of Zone 1 of the Watershed Protection District

overlay zoning on the grounds that soils under the area shown to be WPD Zone-1 on the Town of Middletown Zoning map are not hydric soils and do not qualify under section 1102. Said real estate located at 1747 West Main Rd and further identified as Lot 8 on Tax Assessor's Plat 111. Presently before Planning Board and continued to August 27, 2013.

Petition of: Daniel G Kamin BJ's of Middletown, LLC- 490 South Highland Ave. - Pittsburg, PA (owner)- BJ's Wholesale Club, Inc- 25 Research Dr.- PO Box 5230- Westborough, MA (applicant)- for a Special Use Permit from Section 602(B) & 1106- to allow the construction of a propane dispensing facility in a (GBA) General Business/Traffic Sensitive zoning district and Zone 2 of the Watershed Protection District consisting of two 1,000 gallon above ground LPG tanks and related appurtenances. Said real estate located at 173 East Main Road and further identified as Lot 107 on Tax Assessor's Plat 107SE (corrected). Applicant requested a continuance to collect requested additional information and amend petition. Continued to August 27, 2013. The Fire Chief and Fire Marshall will be present.

Petition of: Daniel G Kamin BJ's of Middletown, LLC- 490 South Highland Ave. - Pittsburg, PA (owner)- BJ's Wholesale Club, Inc- 25 Research Dr.- PO Box 5230- Westborough, MA (applicant)- for a Variance from Section 1304- to allow 345 off-street parking spaces where 355 parking spaces are required. Said real estate located at 173

East Main Road and further identified as Lot 107 on Tax Assessor's Plat 107SE. Continued to August 27, 2013 (see above).

Referrals:

Petition of: Town of Middletown- 350 East Main Road Middletown RI (owner)- Lawrence Assoc. Architects/Planners PC (applicant)- for a Variance from Section 305 of the Zoning Ordinance and Section 521.2 of the Middletown Rules and Regulations Regarding the Subdivision and Development of Land specifically building design and architecture for proposed addition and alterations to the Fire Station. Said real estate located at 239 Wyatt Road and further identified as Lot 13 on Tax Assessor's Plat 119. Referral to the Planning Board by consensus.

Full Hearings:

Petition of: David Robinson - 193 North Fenner- Middletown, RI (owner) - for a Variance from Section 603, 701 & 803G - to construct a 370 sq ft second floor addition over existing garage with a left side yard setback of 11'4" where 15' is required and a rear yard setback of 29'8" where 30' is required. Said real estate located at 193 North Fenner Ave. and further identified as Lot 52 on Tax Assessor's Plat 108SE.

Testimony: David Robinson testifies stating that the construction will remain within existing footprint. Building will not increase in height. No objectors were present.

Vote: Charles Vaillincourt moves, Tom Silveira seconds. Petition

approved 5-0.

Petition of: Joey Lynn Mauricio- 5 Bliss Mine Road Middletown RI (owner) - for a Special Use Permit from Section 602- to allow a Family Daycare Home. Said real estate located at 5 Bliss Mine Road and further identified as Lot 114 on Tax Assessor's Plat 109NE.

Testimony: Joey Lynn Maurico testifies. James Mauricio. Petitioner wants to open home daycare for 6 children. She has taken the three-month course. No objectors.

Vote: Charles Vaillincourt Moves, James Miller seconds. Petition approved 5-0.

Petition of: Creative Properties, Inc- 796 Aquidneck Ave- Middletown, RI (owner)- Custom House Coffee, LLC (applicant)- for a Special Use Permit from Section 602 & 904- to amend the conditions of the previously granted special use permit related to the service of alcoholic beverages at Custom House Coffee. Said real estate located at 796 Aquidneck Ave and further identified as Lot 92A on Tax Assessor's Plat 114.

Testimony: Mary Jo Carr (attorney), Robert Mastin Wants to have longer hours on the weekdays for private functions and to serve a full range of alcoholic beverages.

Vote: Stephen MacGillivray moves; Tom Silveira seconds. Petition approved 5-0 with the following conditions: hours extended for

Sunday, Monday, Tuesday, Wednesday and Thursday from 7 pm to 10 pm for special functions and private parties and the previous restriction on the type of alcohol that can be served is removed. .

Petition of: Justin Casey & Brian Halloran-(owners) Justin Casey 18 Beacon Terrace - Middletown, RI (applicant)- for a Variance from Section 603, 701 & 803G - to construct a second floor addition with a right side yard setback of 8.1' and a left side yard setback of 8.2' where 15' is required and a front yard setback of 14.3' where 25' is required. Said real estate located at 18 Beacon Terrace and further identified as Lot 171 on Tax Assessor's Plat 108NW.

Testimony: Justin Case

**Vote:Charles Vaillincourt moves to approve; Tom Silveira seconds.
5-0 approved.**

Adjourned at 7:45 pm.